

# **APPENDIX A**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Schlothauer et al.  
Serial No.: 10/588,320  
Filing Date: June 1, 2007  
Title: Cheese Products

Art Unit: 1794  
Examiner: Gwartney, Elizabeth A  
Attorney Docket No: 14923.0042

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION**

1. I am Åksel Buchter-Larsen, Vice President, Intellectual Assets
2. The following microbial strain, described in the specification of the above-identified application, was deposited with the DSMZ-Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH ("DSMZ"), currently located at Inhoffenstraße 7 B, 38124 Braunschweig, Germany, under the terms of the Budapest Treaty: *Lactobacillus sakei* 570, as DSM 15889 on September 2, 2003.
3. The DSMZ is a depository in accordance with the Budapest Treaty for the above-mentioned microbial strain.
4. The deposits have been made under conditions of assurance of (a) that all restrictions imposed by the depositor on the availability to the public of the deposited microbial strains will be irrevocably removed upon the granting of the patent and (b) access to the deposit will be available during pendency of the patent application making references to the deposit to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under applicable statutes and regulations.
5. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 22 FEBRUARY 2010



Åksel Buchter-Larsen